UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,417	07/29/2003	Vishnu M. Sishtla	02-714	5967

34704 7590 09/08/2004

BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

EXAMINER	
SAN MARTIN, EDGARDO	

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,417	SISHTLA, VISHNU M.	
	Examiner	Art Unit	
	Edgardo San Martin	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the vessel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt et al. (US 4,258,821) in view of Reed (US 3,589,971), and further in view of Das et al. (US 5,274,200).

With respect to claim 1, Wendt et al. teach an insulating jacket for an electric system component, comprising an open cell foam layer comprising an inner and outer surface, the inner surface in contact with the outer surface of the component; and a weatherproof layer comprising an inner surface in contact with the outer surface of the

open cell foam layer (Figs.1 - 3), but fail to disclose a closed cell insulation layer comprising an inner and outer surface, and a sound barrier layer comprising an inner surface in contact with the outer surface of the open cell foam layer.

Nevertheless, Reed teaches a multilayer insulating jacket comprising an insulating layer (Fig.7, Item 71) comprising an inner and outer surface, and an intermediate layer (Fig.7, Item 72) comprising an inner and outer surface, the inner surface in contact with the outer surface of the insulation layer.

On the other hand, Das et al. teach a multilayer insulating panel comprising an open cell foam layer (Fig.3, Item 14) comprising an inner and outer surface, and a sound barrier layer (Fig.3, Item 36) comprising an inner surface in contact with the outer surface of the open cell foam layer.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to add the Reed insulating layer and the Das et al. sound barrier layer to the Wendt et al. design because it would provide an insulating layer that would help retain the heat of the component, decreasing energy loss due to heat loss; and the sound barrier would complement the Wendt et al. open cell sound absorbing layer by providing a layer that would reflect back to the source the sound waves that passes through the open cell layer.

With respect to claim 2, Reed teaches wherein the inner surface of the insulation layer is in contact with a vessel (Figs.16 – 18).

With respect to claim 3, the Examiner considers that it would have been an obvious matter of design choice to select the electric component that it is desired to be insulated in a particular application.

With respect to claim 4, the obvious combination of Wendt et al., Reed and Das et al. teachings disclose wherein the outer surface of the open cell foam layer is glued to the inner surface of the sound barrier.

With respect to claim 5, Reed teaches wherein the inner surface of the insulation layer is glued to the vessel (Col.1, Lines 60+).

With respect to claim 6, Wendt et al. teach wherein the inner surface of the insulation jacket is attached to the vessel via velcro straps (Fig.1).

With respect to claim 7, the obvious combination of Wendt et al., Reed and Das et al. teachings disclose wherein the insulation layer, the open cell foam layer, and the sound barrier layer comprise generally cylindrical sheaths.

With respect to claims 8 and 9, the Examiner considers that it would have been an obvious matter of design choice to employ a PVC or nitrile material as the material for the insulation layer and the open cell foam layer, and barium sulfate as the material for the sound barrier layer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With respect to claim 10, the obvious combination of Wendt et al., Reed and Das et al. teachings disclose additionally comprising a weatherproof layer comprised of

aluminized vinyl fiberglass cloth (Wendt wt al.; Col.3, Lines 7 – 9 and Reed; Col.6, Lines 4 – 7).

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendt et al. (US 4,258,821) in view of Das et al. (US 5,274,200).

With respect to claim 11, Wendt et al. teach an insulating jacket for a electric system component, comprising an open cell foam layer comprising an inner surface in contact with a vessel and an outer surface (Figs.1 – 3), but fails to disclose a sound barrier comprising an inner surface in contact with the outer surface of the open cell foam layer.

On the other hand, Das et al. teach a multilayer insulating panel comprising an open cell foam layer (Fig.3, Item 14) comprising an inner and outer surface, and a sound barrier layer (Fig.3, Item 36) comprising an inner surface in contact with the outer surface of the open cell foam layer.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to add the Das et al. sound barrier layer to the Wendt et al. design because it would provide a layer that would reflect back to the source the sound waves that passes through the open cell layer, increasing the sound absorbing performance of the jacket.

With respect to claim 12, the Examiner considers that it would have been an obvious matter of design choice to select the electric component that it is desired to be insulated in a particular application.

Conclusion

4. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edgardo San Martín
Patent Examiner
Art Unit 2837
Class 181
September 6, 2004